

# Exhibit 1



## HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

<p>1 San Francisco, California; Friday, March 11, 2016      2 9:14 a.m.      3 ---oo---</p> <p>5 THE VIDEOGRAPHER: Good morning. We are      6 on the record at 9:14 a.m., on March 11th, 2016.      7 This is the video-recorded deposition of      8 Dr. Gregory Leonard. My name is the      9 Brandon Miller, here with court reporter,      10 Rebecca Romano. We are here from      11 Veritext Legal Solutions.</p> <p>12 This deposition is being held at      13 405 Howard Street, Tenth Floor,      14 San Francisco, California. The caption of this      15 case is Oracle America, Incorporated, versus      16 Google, Incorporated; Case No. C:10-03561-WHA.</p> <p>17 Please note that audio and video      18 recording will take place unless all parties agree      19 to go off record. Microphones are sensitive, and      20 may pick up whispers, private conversations, and      21 cellular interference.</p> <p>22 I am not related to any party in this      23 action, nor am I financially interested in the      24 outcome in any way.</p> <p>25 At this time will attorneys introduce</p>	Page 10	<p>1 GREGORY LEONARD, Ph.D.,      2 having been administered an oath, was examined and      3 testified as follows:</p> <p>4</p> <p>5 EXAMINATION</p> <p>6 BY MS. HURST:</p> <p>7 Q. Good morning.</p> <p>8 A. Good morning.</p> <p>9 Q. Do you prefer to be addressed as</p> <p>10 Dr. Leonard or Mr. Leonard?</p> <p>11 A. Whatever.</p> <p>12 Q. All right. Dr. Leonard, you've been      13 retained as an expert in litigation before?</p> <p>14 A. Yes.</p> <p>15 Q. Approximately how many times?</p> <p>16 A. I haven't counted recently, but probably      17 over a hundred.</p> <p>18 Q. And you have testified many times?</p> <p>19 A. Yes.</p> <p>20 Q. Okay. Approximately how many times have      21 you testified in deposition?</p> <p>22 A. Again, I haven't really counted, but      23 probably, I don't know, 80 maybe.</p> <p>24 Q. And you've testified at trial?</p> <p>25 A. Yes.</p>	Page 12
<p>1 themselves.</p> <p>2 MS. HURST: Good morning. My name is      3 Annette Hurst, from Orrick, for Oracle America.</p> <p>4 With me this morning are my colleagues, Andrew Kim;      5 Ayanna Lewis-Griss; Robert Keele; Alyssa Cardis;      6 Hannah Junkerman; and from Ocean Tomo,      7 Robert McSorley.</p> <p>8 MR. COOPER: I'm John Cooper. I'm with      9 Farella Braun + Martel. I represent      10 Dr. James Kearn, who is Judge Alsup's Rule 706      11 expert, and Dr. Kearn is here with me.</p> <p>12 MR. PURCELL: I'm Dan Purcell from      13 Keker &amp; Van Nest, representing Google.</p> <p>14 THE VIDEOGRAPHER: Thank you.</p> <p>15 You may now swear in the witness.</p> <p>16 THE REPORTER: If you could raise your right      17 hand for me, please.</p> <p>18 THE DEPONENT: (Complies.)</p> <p>19 THE REPORTER: You do solemnly state,      20 under penalty of perjury, that the testimony you      21 are about to give in this deposition shall be the      22 truth, the whole truth and nothing but the truth?</p> <p>23 THE DEPONENT: I do.</p> <p>24</p> <p>25 ////</p>	Page 11	<p>1 MR. COOPER: Excuse me. Dr. Leonard,      2 could we ask you to speak up a little bit.</p> <p>3 THE DEPONENT: Yeah, I know. It's going      4 to be a problem. I'm -- I have that problem. I --      5 I will do my best.</p> <p>6 MR. COOPER: Okay, thank you.</p> <p>7 THE DEPONENT: All right.</p> <p>8 Q. (By Ms. Hurst) Approximately how many      9 times have you testified at trial?</p> <p>10 A. About 30, I think.</p> <p>11 Q. And you are an economist?</p> <p>12 A. Yes.</p> <p>13 Q. You have a Ph.D. in economics?</p> <p>14 A. I do.</p> <p>15 Q. Now, in your professional experience, is      16 it ordinarily considered fair to take someone's      17 valuable property and use it for commercial gain      18 without paying for the privilege of doing so?</p> <p>19 MR. PURCELL: Object to the form.</p> <p>20 THE DEPONENT: I'm sorry, could you      21 reread that question for me, please?</p> <p>22 (Record read as follows:</p> <p>23 "QUESTION: In your professional      24 experience, is it ordinarily      25 considered fair to take someone's</p>	Page 13

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<p>1 calculation?</p> <p>2 A. That, again, is looking at the costs</p> <p>3 avoided, but this time associated with training</p> <p>4 developers to help them be proficient in the</p> <p>5 furtherances of different programming language.</p> <p>6 Q. And the 23- to-103-million range</p> <p>7 calculation, what was the methodology of that</p> <p>8 calculation of unjust enrichment?</p> <p>9 A. There, it's the cost savings associated</p> <p>10 with Google having to, for instance, pay for the</p> <p>11 development of applications, you know, that again</p> <p>12 was avoided potentially by the alleged</p> <p>13 infringement.</p> <p>14 Q. And the 203 million, what was the method</p> <p>15 of calculation of unjust enrichment in that</p> <p>16 scenario?</p> <p>17 A. In that one it's looking at the value</p> <p>18 that's contributed by the alleged infringement,</p> <p>19 assuming that none of the cost savings -- I am</p> <p>20 sorry -- none of those activities I just described</p> <p>21 took place. So it's looking at the value that was</p> <p>22 contributed from the point of view of the number of</p> <p>23 additional users that the alleged infringement</p> <p>24 generated and the -- and profits associated with</p> <p>25 those.</p>	<p>1 the intellectual property is that is at issue in</p> <p>2 the case.</p> <p>3 Q. (By Ms. Hurst) So it's an alternative</p> <p>4 course of action that the accused infringer might</p> <p>5 have taken but did not in the real world, true?</p> <p>6 A. I mean, that's one way of -- of looking</p> <p>7 at it, yes.</p> <p>8 Q. Now, in order for a non-infringing</p> <p>9 alternative to be a viable alternative course of</p> <p>10 action, it has to be both commercially and</p> <p>11 technically feasible, true?</p> <p>12 MR. PURCELL: Object to the form.</p> <p>13 THE DEPONENT: Well, something that</p> <p>14 wasn't at all feasible, you know, wouldn't be a</p> <p>15 tremendously good alternative. So, from an</p> <p>16 economist point of view, you just look at the --</p> <p>17 you look at the nature of the alternative and --</p> <p>18 because again value, if anything, is really in</p> <p>19 relation to the -- to some alternative. So you've</p> <p>20 got to look at what the alternatives are, and some</p> <p>21 may be better than others. And certainly those</p> <p>22 considerations are ones that -- that you would look</p> <p>23 at.</p> <p>24 Q. (By Ms. Hurst) Yes or no, is it true</p> <p>25 that in order for a non-infringing alternative to</p>
<p style="text-align: right;">Page 42</p> <p>1 Q. Does that 203-million calculation depend</p> <p>2 on -- in any way on notions of cost savings?</p> <p>3 A. No. It's really saying, if you didn't</p> <p>4 take the actions that the costs -- that the alleged</p> <p>5 infringement allow you to avoid, then that would</p> <p>6 have been the consequences of that.</p> <p>7 Q. And what is the methodology that you used</p> <p>8 in making your 32-million unjust enrichment</p> <p>9 calculation?</p> <p>10 A. It's apportioning the profits associated</p> <p>11 with Android to the alleged infringement.</p> <p>12 Q. And the 56-million calculation, what was</p> <p>13 the methodology behind that?</p> <p>14 A. At a high level it's the same. It's an</p> <p>15 apportionment of the profits associated with</p> <p>16 Android using a somewhat different methodology for</p> <p>17 the apportionment percentage than the previous.</p> <p>18 Q. Now, are you familiar with the concept of</p> <p>19 non-infringing alternatives?</p> <p>20 A. Yes.</p> <p>21 Q. And how do you understand that concept?</p> <p>22 MR. PURCELL: Object to the form.</p> <p>23 THE DEPONENT: Non-infringing alternative</p> <p>24 is a -- is an action of something somebody could</p> <p>25 have done that would not have infringed whatever</p>	<p>1 be a viable alternative course of action, it must</p> <p>2 be both commercially and technically feasible?</p> <p>3 MR. PURCELL: Object to the form.</p> <p>4 THE DEPONENT: Again, I mean, if it's not</p> <p>5 feasible then it won't be viable. That's -- I</p> <p>6 agree with that.</p> <p>7 Q. (By Ms. Hurst) All right. If it's not</p> <p>8 commercially feasible, then it is not a viable</p> <p>9 alternative course of action, true?</p> <p>10 MR. PURCELL: Object to the form.</p> <p>11 THE DEPONENT: Yeah, generally speaking.</p> <p>12 I mean, that's -- that kind of begs the question,</p> <p>13 but you would certainly look at -- at factors</p> <p>14 relevant to commercial feasibility, yes.</p> <p>15 Q. (By Ms. Hurst) And if it's not</p> <p>16 technically feasible then it wouldn't be a viable</p> <p>17 alternative course of action, true?</p> <p>18 MR. PURCELL: Object to the form.</p> <p>19 THE DEPONENT: Again, that's certainly</p> <p>20 something one would look at.</p> <p>21 Q. (By Ms. Hurst) Well, are there more</p> <p>22 requirements in addition to commercial and</p> <p>23 technical feasibility for something to be</p> <p>24 considered a viable alternative course of action</p> <p>25 that is a non-infringing alternative?</p>

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